

**§ 301.78-2 Regulated articles.**

The following are regulated articles:  
 (a) The following berries, fruits, nuts, and vegetables.

Almond with husk (*Prunus dulcis* (*P. amygdalus*))  
 Apple (*Malus sylvestris*)  
 Apricot (*Prunus armeniaca*)  
 Avocado (*Persea americana*)  
 Black Myrobalan (*Terminalia cherbula*)  
 Cherries (sweet and sour) (*Prunus avium*, *P. cerasus*)  
 Citrus citron (*Citrus medica*)  
 Date (*Phoenix dactylifera*)  
 Eggplant (*Solanum melongena* L.), other than commercially produced eggplant  
 Fig (*Ficus carica*)  
 Grape (*Vitis* spp.)  
 Grapefruit (*Citrus paradisi*)  
 Guava (*Psidium guajava*)  
 Japanese persimmon (*Diospyros kaki*)  
 Japanese plum (*Prunus salicina*)  
 Kiwi (*Actinidia chinensis*)  
 Kumquat (*Fortunella japonica*)  
 Lemon (*Citrus limon*) except smooth-skinned lemons harvested for packing by commercial packing houses.  
 Lemon, Meyer (*Citrus limon* X *reticulata*)  
 Lemon, Rough (*Citrus jambhiri*)  
 Lime, sweet (*Citrus aurantiifolia*)  
 Loquat (*Eriobotrya japonica*)  
 Mandarin orange (*Citrus reticulata*) (tangerine)  
 Mango (*Mangifera indica*)  
 Mock orange (*Murraya exotica*)  
 Mountain apple (*Syzigium malaccense* (*Eugenia malaccensis*))  
 Natal plum (*Carissa macrocarpa*)  
 Nectarine (*Prunus persica* var. *nectarina*)  
 Olive (*Olea europea*)  
 Opuntia cactus (*Opuntia* spp.)  
 Orange, calamondin (*Citrus reticulata* x. *Fortunella*)  
 Orange, Chinese (*Fortunella japonica*)  
 Orange, king (*Citrus reticulata* x. *C. sinensis*)  
 Orange, sweet (*Citrus sinensis*)  
 Orange, Unshu (*Citrus reticulata* var. *Unshu*)  
 Papaya (*Carica papaya*)  
 Peach (*Prunus persica*)  
 Pear (*Pyrus communis*)  
 Pepper (*Capsicum frutescens*, *C. annuum*)  
 Pineapple guava (*Feijoa sellowiana*)  
 Plum (*Prunus americana*)  
 Pomegranate (*Punica granatum*)

Prune (*Prunus domestica*)  
 Pummelo (*Citrus grandis*)  
 Quince (*Cydonia oblonga*)  
 Rose apple (*Eugenia jambos*)  
 Sour orange (*Citrus aurantium*)  
 Spanish cherry (Brazilian plum) (*Eugenia dombeyi* (*E. brasiliensis*))  
 Strawberry guava (*Psidium cattleianum*)  
 Surinam cherry (*Eugenia uniflora*)  
 Tomato (pink and red ripe) (*Lycopersicon esculentum*)  
 Walnut with husk (*Juglans* spp.)  
 White sapote (*Casimiroa edulis*)  
 Yellow oleander (Bestill) (*Thevetia peruviana*)

Any berries, fruits, nuts, or vegetables that are canned or dried or frozen below -17.8 °C. (0 °F.) are not regulated articles.

(b) Soil within the drip area of plants that are producing or have produced the berries, fruits, nuts, or vegetables listed in paragraph (a) of this section.

(c) Any other article, product, or means of conveyance, not covered by paragraphs (a) or (b) of this section, that presents a risk of spread of the Mediterranean fruit fly and an inspector notifies the person in possession of it that the article, product, or means of conveyance is subject to the restrictions of this subpart.

[56 FR 57576, Nov. 13, 1991, as amended at 59 FR 25791, May 18, 1994; 62 FR 33538, June 20, 1997; 62 FR 47556, Sept. 10, 1997]

**§ 301.78-3 Quarantined areas.**

(a) Except as otherwise provided in paragraph (b) of this section, the Administrator shall list as a quarantined area in paragraph (c) of this section, each State, or each portion of a State, in which the Mediterranean fruit fly has been found by an inspector, in which the Administrator has reason to believe that the Mediterranean fruit fly is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities in which the Mediterranean fruit fly has been found. Less than an entire State will be designated as a quarantined area only if the Administrator determines that:

(1) The State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are equivalent to those imposed

by this subpart on the interstate movement of regulated articles; and

(2) The designation of less than the entire State as a quarantined area will prevent the interstate spread of the Mediterranean fruit fly.

(b) The Administrator or an inspector may temporarily designate any nonquarantined area in a State as a quarantined area in accordance with the criteria specified in paragraph (a) of this section for listing such area. The Administrator will give a copy of this regulation along with a written notice of this temporary designation to the owner or person in possession of the nonquarantined area; thereafter, the interstate movement of any regulated article from an area temporarily designated as a quarantined area is subject to this subpart. As soon as practicable, this area will be added to the list in paragraph (c) of this section or the designation shall be terminated by the Administrator or an inspector. The owner or person in possession of an area for which designation is terminated will be given notice of the termination as soon as practicable.

(c) There are no areas in the continental United States quarantined because of the Mediterranean fruit fly.

[56 FR 57576, Nov. 13, 1991]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 301.78-3, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

**§ 301.78-4 Conditions governing the interstate movement of regulated articles from quarantined areas.**

Any regulated article may be moved interstate from a quarantined area<sup>2</sup> only if moved under the following conditions:

(a) With a certificate or limited permit issued and attached in accordance with §§ 301.78-5 and 301.78-8 of this subpart;

(b) Without a certificate or limited permit, if:

(1) The regulated article is moving as air cargo or as a meal intended for in-flight consumption, and is transiting

Los Angeles International Airport, California;

(2) The regulated article originated outside the quarantined area and is either moved in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by Mediterranean fruit flies (such as canvas, plastic, or other closely woven cloth) while moving through the quarantined area; and

(3) The point of origin of the regulated article is indicated on the waybill.

(c) Without a certificate or limited permit, if:

(1) The regulated article originated outside any quarantined area and is moved through (without stopping except for refueling, or for traffic conditions, such as traffic lights or stop signs) the quarantined area in an enclosed vehicle or is completely enclosed by a covering adequate to prevent access by Mediterranean fruit flies (such as canvas, plastic, or other closely woven cloth) while moving through the quarantined area; and

(2) The point of origin of the regulated article is indicated on the waybill, and the enclosed vehicle or the enclosure that contains the regulated article is not opened, unpacked, or unloaded in the quarantined area.

(d) Without a certificate or limited permit if the regulated article is moved:

(1) By the United States Department of Agriculture for experimental or scientific purposes;

(2) Pursuant to a permit issued by the Administrator for the regulated article;

(3) Under conditions specified on the permit and found by the Administrator to be adequate to prevent the spread of Mediterranean fruit fly; and

(4) With a tag or label bearing the number of the permit issued for the regulated article attached to the outside of the container of the regulated article or attached to the regulated article itself if not in a container. (Approved by the Office of Management and Budget under control number 0579-0088)

[56 FR 57576, Nov. 13, 1991, as amended at 57 FR 54169, Nov. 17, 1992]

<sup>2</sup>Requirements under all other applicable Federal domestic plant quarantines and regulations must also be met.